

1 AN ACT

2 relating to the creation and operation of a state virtual school
3 network to provide education to students through electronic means.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subtitle F, Title 2, Education Code, is amended
6 by adding Chapter 30A to read as follows:

7 CHAPTER 30A. STATE VIRTUAL SCHOOL NETWORK

8 SUBCHAPTER A. GENERAL PROVISIONS

9 Sec. 30A.001. DEFINITIONS. In this chapter:

10 (1) "Administering authority" means the entity
11 designated under Section 30A.053 to administer the state virtual
12 school network.

13 (2) "Board" means the State Board of Education.

14 (3) "Course" means a course of study that meets the
15 requirements of Section 30A.104.

16 (4) "Electronic course" means a course in which:

17 (A) instruction and content are delivered
18 primarily over the Internet;

19 (B) a student and teacher are in different
20 locations for a majority of the student's instructional period;

21 (C) most instructional activities take place in
22 an online environment;

23 (D) the online instructional activities are
24 integral to the academic program;

1 (E) extensive communication between a student
2 and a teacher and among students is emphasized; and

3 (F) a student is not required to be located on the
4 physical premises of a school district or open-enrollment charter
5 school.

6 (5) "Electronic diagnostic assessment" means a
7 formative or instructional assessment used in conjunction with an
8 electronic course to ensure that:

9 (A) a teacher of an electronic course has
10 information related to a student's academic performance in that
11 course; and

12 (B) a student enrolled in an electronic course
13 makes documented progress in mastering the content of the course.

14 (6) "Electronic professional development course"
15 means a professional development course in which instruction and
16 content are delivered primarily over the Internet.

17 (7) "Provider school district or school" means:

18 (A) a school district or open-enrollment charter
19 school that provides an electronic course through the state virtual
20 school network to:

21 (i) students enrolled in that district or
22 school; or

23 (ii) students enrolled in another school
24 district or school; or

25 (B) a public or private institution of higher
26 education that provides a course through the state virtual school
27 network.

1 (8) "Public or private institution of higher
2 education" means:

3 (A) an institution of higher education, as
4 defined by Section 61.003; or

5 (B) a private or independent institution of
6 higher education, as defined by Section 61.003.

7 Sec. 30A.002. STUDENT ELIGIBILITY. (a) A student is
8 eligible to enroll in a course provided through the state virtual
9 school network only if the student:

10 (1) is younger than 21 years of age on September 1 of
11 the school year;

12 (2) has not graduated from high school; and

13 (3) is otherwise eligible to enroll in a public school
14 in this state.

15 (b) A student is eligible to enroll full-time in courses
16 provided through the state virtual school network only if:

17 (1) the student was enrolled in a public school in this
18 state in the preceding school year; or

19 (2) the student:

20 (A) is a dependent of a member of the United
21 States military;

22 (B) was previously enrolled in high school in
23 this state; and

24 (C) does not reside in this state due to a
25 military deployment or transfer.

26 Sec. 30A.003. PROVISION OF COMPUTER EQUIPMENT OR INTERNET
27 SERVICE. This chapter does not:

1 (1) require a school district, an open-enrollment
2 charter school, a provider school district or school, or the state
3 to provide a student with home computer equipment or Internet
4 access for a course provided through the state virtual school
5 network; or

6 (2) prohibit a school district or open-enrollment
7 charter school from providing a student with home computer
8 equipment or Internet access for a course provided through the
9 state virtual school network.

10 Sec. 30A.004. APPLICABILITY OF CHAPTER. (a) Except as
11 provided by Subsection (c), this chapter does not affect the
12 provision of a course to a student while the student is located on
13 the physical premises of a school district or open-enrollment
14 charter school.

15 (b) This chapter does not affect the provision of distance
16 learning courses offered under other law.

17 (c) A school district or open-enrollment charter school may
18 choose to participate in providing an electronic course or an
19 electronic diagnostic assessment under this chapter to a student
20 who is located on the physical premises of a school district or
21 open-enrollment charter school.

22 Sec. 30A.005. TELECOMMUNICATIONS OR INFORMATION SERVICES
23 NETWORK NOT CREATED. This chapter does not create or authorize the
24 creation of a telecommunications or information services network.

25 [Sections 30A.006-30A.050 reserved for expansion]

26 SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

27 Sec. 30A.051. GOVERNANCE OF NETWORK. (a) The commissioner

1 shall:

2 (1) administer the state virtual school network; and

3 (2) ensure:

4 (A) high-quality education for students in this
5 state who are being educated through electronic courses provided
6 through the state virtual school network; and

7 (B) equitable access by students to those
8 courses.

9 (b) The commissioner may adopt rules necessary to implement
10 this chapter.

11 (c) To the extent practicable, the commissioner shall
12 solicit advice from school districts concerning:

13 (1) administration of the state virtual school
14 network; and

15 (2) adoption of rules under Subsection (b).

16 Sec. 30A.052. GENERAL POWERS AND DUTIES OF COMMISSIONER.

17 (a) The commissioner shall prepare or provide for preparation of a
18 biennial budget request for the state virtual school network for
19 presentation to the legislature.

20 (b) The commissioner has exclusive jurisdiction over the
21 assets of the network and shall administer and spend appropriations
22 made for the benefit of the network.

23 (c) The commissioner shall:

24 (1) employ a limited number of administrative
25 employees in connection with the network; and

26 (2) contract with a regional education service center
27 for the service center to operate the network.

1 Sec. 30A.053. DESIGNATION OF ADMINISTERING AUTHORITY. The
2 commissioner shall designate an agency employee or a group of
3 agency employees to act as the administering authority for the
4 state virtual school network.

5 Sec. 30A.054. REPORTS. (a) The commissioner shall prepare
6 a report for each fiscal year documenting activities of the state
7 virtual school network in accordance with this chapter. Not later
8 than January 31 of each year, the commissioner shall file the report
9 for the preceding fiscal year with the governor, the lieutenant
10 governor, and the speaker of the house of representatives.

11 (b) To the extent permitted under the Family Educational
12 Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g):

13 (1) the report under Subsection (a) must include the
14 results of assessment instruments administered to students
15 enrolled in electronic courses under this chapter; and

16 (2) the commissioner shall make information relating
17 to the performance of students enrolled in electronic courses under
18 this chapter available to school districts, open-enrollment
19 charter schools, and the public.

20 (c) The commissioner shall investigate alternative models
21 for funding the operation of the state virtual school network and
22 for student attendance in electronic courses provided through the
23 network. Not later than December 1, 2008, the commissioner shall
24 submit a report to each member of the legislature that recommends:

25 (1) alternative funding models for the state virtual
26 school network to:

27 (A) ensure the quality of electronic courses

1 provided through the network;

2 (B) increase access through the network to more
3 courses;

4 (C) enable more students to take courses through
5 the network;

6 (D) sustain the network's operations; and

7 (E) increase the network's ability to
8 accommodate greater numbers of students and provide greater numbers
9 of courses; and

10 (2) a system of indicators that would allow for
11 comparison of the quality of different provider school districts'
12 and schools' electronic courses for the same course, including
13 comparison of:

14 (A) student performance in the electronic
15 courses;

16 (B) the success of the electronic courses in
17 preparing students for postsecondary education;

18 (C) student performance on applicable state
19 assessment instruments; and

20 (D) other indicators as determined by the
21 commissioner.

22 (d) Subsection (c) and this subsection expire January 15,
23 2009.

24 Sec. 30A.055. LIMITATIONS ON ADMINISTERING AUTHORITY
25 POWERS. The administering authority may not provide educational
26 services directly to a student.

27 Sec. 30A.056. CONTRACTS WITH VIRTUAL SCHOOL SERVICE

1 PROVIDERS. (a) Each contract between a school district, an
2 open-enrollment charter school, or a public or private institution
3 of higher education and the administering authority must:

4 (1) provide that the administering authority may
5 cancel the contract without penalty if legislative authorization
6 for the district, school, or institution to offer an electronic
7 course through the state virtual school network is revoked; and

8 (2) be submitted to the commissioner.

9 (b) A contract submitted under this section is public
10 information for purposes of Chapter 552, Government Code.

11 [Sections 30A.057-30A.100 reserved for expansion]

12 SUBCHAPTER C. PROVISION OF ELECTRONIC COURSES

13 Sec. 30A.101. ELIGIBILITY TO ACT AS PROVIDER SCHOOL
14 DISTRICT OR SCHOOL. (a) A school district is eligible to act as a
15 provider school district under this chapter only if the district is
16 rated academically acceptable or higher under Section 39.072.

17 (b) An open-enrollment charter school is eligible to act as
18 a provider school under this chapter only if the school is rated
19 recognized or higher under Section 39.072, and may serve as a
20 provider school only:

21 (1) to a student within the school district in which
22 the school is located or within its service area, whichever is
23 smaller; or

24 (2) to another student in the state through an
25 agreement with the administering authority under Section 30A.153.

26 Sec. 30A.102. LISTING OF ELECTRONIC COURSES. (a) The
27 administering authority shall:

1 (1) publish the criteria required by Section 30A.103
2 for electronic courses that may be offered through the state
3 virtual school network;

4 (2) using the criteria required by Section 30A.103,
5 evaluate electronic courses submitted by a provider school district
6 or school to be offered through the network;

7 (3) create a list of electronic courses approved by
8 the administering authority; and

9 (4) provide public access to the list of approved
10 electronic courses offered through the network and a detailed
11 description of the courses that complies with Section 30A.108.

12 (b) To ensure that a full range of electronic courses,
13 including advanced placement courses, are offered to students in
14 this state, the administering authority:

15 (1) shall create a list of those subjects and courses
16 designated by the board under Subchapter A, Chapter 28, for which
17 the board has identified essential knowledge and skills or for
18 which the board has designated content requirements under
19 Subchapter A, Chapter 28;

20 (2) shall enter into agreements with school districts,
21 open-enrollment charter schools, and public or private
22 institutions of higher education for the purpose of offering the
23 courses through the state virtual school network; and

24 (3) may develop or authorize the development of
25 additional electronic courses that:

26 (A) are needed to complete high school graduation
27 requirements; and

1 (B) are not otherwise available through the state
2 virtual school network.

3 Sec. 30A.103. CRITERIA FOR ELECTRONIC COURSES. (a) The
4 board by rule shall establish an objective standard criteria for an
5 electronic course to ensure alignment with the essential knowledge
6 and skills requirements identified or content requirements
7 established under Subchapter A, Chapter 28. The criteria may not
8 permit the administering authority to prohibit provider school
9 districts or schools from applying for approval for an electronic
10 course for a course for which essential knowledge and skills have
11 been identified.

12 (b) The criteria must be consistent with Section 30A.104 and
13 may not include any requirements that are developmentally
14 inappropriate for students.

15 (c) The commissioner by rule may:

16 (1) establish additional quality-related criteria for
17 electronic courses; and

18 (2) provide for a period of public comment regarding
19 the criteria.

20 (d) The criteria must be in place at least six months before
21 the administering authority uses the criteria in evaluating an
22 electronic course under Section 30A.105.

23 Sec. 30A.104. COURSE ELIGIBILITY IN GENERAL. A course
24 offered through the state virtual school network must:

25 (1) be in a specific subject that is part of the
26 required curriculum under Section 28.002(a);

27 (2) be aligned with the essential knowledge and skills

1 identified under Section 28.002(c); and

2 (3) be the equivalent in instructional rigor and scope
3 to a course that is provided in a traditional classroom setting
4 during:

5 (A) a semester of 90 instructional days; and

6 (B) a school day that meets the minimum length of
7 a school day required under Section 25.082.

8 Sec. 30A.1041. DRIVER EDUCATION COURSES. (a) A school
9 district, open-enrollment charter school, or public or private
10 institution of higher education may seek approval to offer through
11 the state virtual school network the classroom portion of a driver
12 education and traffic safety course that complies with the
13 requirements for the program developed under Section 29.902.

14 (b) A school district, open-enrollment charter school, or
15 public or private institution of higher education may not offer
16 through the state virtual school network the laboratory portion of
17 a driver education and traffic safety course.

18 (c) A driver education and traffic safety course offered in
19 compliance with this section must be the equivalent in
20 instructional rigor and scope to a course that is provided in a
21 traditional classroom setting for a period of 56 hours.

22 Sec. 30A.105. APPROVAL OF ELECTRONIC COURSES. (a) The
23 administering authority shall:

24 (1) establish a schedule for an annual submission and
25 approval process for electronic courses;

26 (2) evaluate electronic courses to be offered through
27 the state virtual school network; and

1 (3) not later than August 1 of each year, approve
2 electronic courses that:

3 (A) meet the criteria established under Section
4 30A.103; and

5 (B) provide the minimum instructional rigor and
6 scope required under Section 30A.104.

7 (b) The administering authority shall establish the cost of
8 providing an electronic course approved under Subsection (a), which
9 may not exceed \$400 per student per course or \$4,800 per full-time
10 student.

11 (c) A school district, open-enrollment charter school, or
12 public or private institution of higher education that submits an
13 electronic course to the administering authority for approval must
14 pay a fee in an amount established by the commissioner as sufficient
15 to recover the reasonable costs to the administering authority in
16 evaluating and approving electronic courses.

17 (d) The administering authority shall waive the fee
18 required by Subsection (c) if a school district, open-enrollment
19 charter school, or public or private institution of higher
20 education applies for approval of an electronic course that was
21 developed independently by the district, school, or institution.
22 For purposes of this subsection, an electronic course is developed
23 independently by a district, school, or institution if a district,
24 school, or institution employee is responsible for developing
25 substantially each aspect of the course, including:

26 (1) determining the curriculum elements to be included
27 in the course;

1 (2) selecting any instructional materials for the
2 course;

3 (3) determining the manner in which instruction is to
4 be delivered;

5 (4) creating a lesson plan or similar description of
6 the instructional aspects of the course;

7 (5) determining any special projects or assignments a
8 student in the course must complete; and

9 (6) determining the manner in which a student's
10 progress in the course will be measured.

11 Sec. 30A.106. APPEAL TO COMMISSIONER. (a) A provider
12 school district or school may appeal to the commissioner the
13 administering authority's refusal to approve an electronic course
14 under Section 30A.105.

15 (b) If the commissioner determines that the administering
16 authority's evaluation did not follow the criteria or was otherwise
17 irregular, the commissioner may overrule the administering
18 authority and place the course on a list of approved courses. The
19 commissioner's decision under this section is final and may not be
20 appealed.

21 Sec. 30A.107. OPTIONS FOR PROVIDERS AND STUDENTS. (a) A
22 provider school district or school may offer electronic courses to:

23 (1) students who reside in this state; and

24 (2) students who reside outside this state and who
25 meet the eligibility requirements under Section 30A.002(b).

26 (b) A student who is enrolled in a school district or
27 open-enrollment charter school in this state as a full-time student

1 may take one or more electronic courses through the state virtual
2 school network.

3 (c) A student who resides in this state but who is not
4 enrolled in a school district or open-enrollment charter school in
5 this state as a full-time student may, subject to Section 30A.155,
6 enroll in electronic courses through the state virtual school
7 network. A student to whom this subsection applies:

8 (1) may not in any semester enroll in more than two
9 electronic courses offered through the state virtual school
10 network;

11 (2) is not considered to be a public school student;

12 (3) must obtain access to a course provided through
13 the network through the school district or open-enrollment charter
14 school attendance zone in which the student resides;

15 (4) is not entitled to enroll in a course offered by a
16 school district or open-enrollment charter school other than an
17 electronic course provided through the network; and

18 (5) is not entitled to any right, privilege,
19 activities, or services available to a student enrolled in a public
20 school, other than the right to receive the appropriate unit of
21 credit for completing an electronic course.

22 (d) A school district or open-enrollment charter school may
23 not require a student to enroll in an electronic course.

24 Sec. 30A.108. INFORMED CHOICE REPORTS. (a) Not later than
25 a date determined by the commissioner, the administering authority
26 shall create and maintain on the state virtual school network's
27 Internet website an "informed choice" report as provided by

1 commissioner rule.

2 (b) Each report under this section must describe each
3 electronic course offered through the state virtual school network
4 and include information such as course requirements and the school
5 year calendar for the course, including any options for continued
6 participation outside of the standard school year calendar.

7 Sec. 30A.109. COMPULSORY ATTENDANCE. The commissioner by
8 rule shall adopt procedures for reporting and verifying the
9 attendance of a student enrolled in an electronic course provided
10 through the state virtual school network. The rules may modify the
11 application of Sections 25.085, 25.086, and 25.087 for a student
12 enrolled in an electronic course.

13 Sec. 30A.110. APPLICABILITY OF ACCOUNTABILITY
14 REQUIREMENTS. (a) Chapter 39 applies to an electronic course
15 offered through the state virtual school network in the same manner
16 that that chapter applies to any other course offered by a school
17 district or open-enrollment charter school.

18 (b) Each student enrolled under this chapter in an
19 electronic course offered through the state virtual school network
20 must take any assessment instrument under Section 39.023 that is
21 administered to students who are provided instruction in the course
22 material in the traditional classroom setting. The administration
23 of the assessment instrument to the student enrolled in the
24 electronic course must be supervised by a proctor.

25 (c) A school district or open-enrollment charter school
26 shall report to the commissioner through the Public Education
27 Information Management System (PEIMS) the results of assessment

1 instruments administered to students enrolled in an electronic
2 course offered through the state virtual school network separately
3 from the results of assessment instruments administered to other
4 students.

5 Sec. 30A.111. TEACHER QUALIFICATIONS. Each teacher of an
6 electronic course offered by a school district or open-enrollment
7 charter school through the state virtual school network must:

8 (1) be certified under Subchapter B, Chapter 21, to
9 teach that course and grade level; and

10 (2) successfully complete the appropriate
11 professional development course provided under Section 30A.112(a)
12 before teaching an electronic course offered through the network.

13 Sec. 30A.112. EDUCATOR PROFESSIONAL DEVELOPMENT. (a) The
14 state virtual school network shall provide or authorize providers
15 of electronic professional development courses or programs to
16 provide professional development for teachers who are teaching
17 electronic courses through the network.

18 (b) The state virtual school network may provide or
19 authorize providers of electronic professional development courses
20 to provide professional development for:

21 (1) teachers who are teaching subjects or grade levels
22 for which the teachers are not certified;

23 (2) teachers who must become highly qualified under
24 Section 1119, No Child Left Behind Act of 2001 (20 U.S.C. Section
25 6319); or

26 (3) teachers who must become qualified under the
27 Individuals with Disabilities Education Act (20 U.S.C. Section 1400

1 et seq.).

2 Sec. 30A.113. CRITERIA FOR ELECTRONIC PROFESSIONAL
3 DEVELOPMENT COURSES. The commissioner by rule shall establish
4 objective standard criteria for quality of an electronic
5 professional development course provided under Section 30A.112.

6 Sec. 30A.114. REGIONAL EDUCATION SERVICE CENTERS. The
7 commissioner by rule shall allow regional education service centers
8 to participate in the state virtual school network in the same
9 manner as provider school districts and schools.

10 Sec. 30A.115. ADDITIONAL RESOURCES. The commissioner by
11 rule may establish procedures for providing additional resources,
12 such as an online library, to students and educators served through
13 the state virtual school network. The administering authority may
14 provide the additional resources only if the commissioner receives
15 an appropriation, gift, or grant sufficient to pay the costs of
16 providing those resources.

17 [Sections 30A.116-30A.150 reserved for expansion]

18 SUBCHAPTER D. FUNDING

19 Sec. 30A.151. COSTS TO BE BORNE BY STATE. (a) Except as
20 authorized by Section 30A.152 or this section, the state shall pay
21 the cost of operating the state virtual school network.

22 (b) The operating costs of the state virtual school network
23 may not be charged to a school district or open-enrollment charter
24 school.

25 (c) The costs of providing electronic professional
26 development courses may be paid by state funds appropriated by the
27 legislature or federal funds that may be used for that purpose.

1 (d) State funds received by a school district or
2 open-enrollment charter school under this chapter are in addition
3 to any amounts to which the district or school is entitled to
4 receive or retain under Chapter 12, 41, or 42 and are not subject to
5 reduction under any provision of those chapters.

6 (e) State funds provided in connection with the state
7 virtual school network may not be used in a manner that violates
8 Section 7, Article I, Texas Constitution.

9 Sec. 30A.152. GRANTS AND FEDERAL FUNDS. (a) The
10 commissioner may accept a grant for purposes of this chapter from a
11 public or private person and shall use those funds in accordance
12 with the commissioner's duties regarding the state virtual school
13 network.

14 (b) The commissioner may accept federal funds for purposes
15 of this chapter and shall use those funds in compliance with
16 applicable federal law, regulations, and guidelines.

17 Sec. 30A.153. ALLOCATION OF FUNDS FOR STUDENTS ENROLLED IN
18 SCHOOL DISTRICTS AND OPEN-ENROLLMENT CHARTER SCHOOLS. (a) A
19 school district or open-enrollment charter school in which a
20 student is enrolled is entitled to receive state and local funding
21 for a student enrolled in an electronic course offered through the
22 state virtual school network in an amount equal to the cost of
23 providing the electronic course, as established by commissioner
24 rule, plus 20 percent.

25 (b) As determined by the commissioner for each approved
26 course, a school district or open-enrollment charter school may
27 receive payment for a student enrolled in an electronic course

1 based on the student's:

2 (1) successful progress on or completion of modules of
3 the course; or

4 (2) successful completion of a course.

5 (c) A provider school district or school, the school
6 district or open-enrollment charter school in which a student is
7 enrolled, and the administering authority shall enter into an
8 agreement related to the payment of the cost of a student's
9 enrollment in an electronic course. The payment to a provider
10 school district or school under this subsection may not exceed the
11 cost of providing the electronic course, as established by
12 commissioner rule.

13 (d) The agreement under Subsection (c) must:

14 (1) permit the school district or open-enrollment
15 charter school in which the student is enrolled as a full-time
16 student to retain, for the district's or school's administrative
17 costs, an amount not to exceed 20 percent of the amount of funds the
18 district or school receives under Subsection (a) in connection with
19 the student; and

20 (2) identify the services each school district or
21 open-enrollment charter school is required to provide to the
22 student.

23 (e) The administering authority, with the approval of the
24 commissioner, shall adopt a standard agreement under Subsection (c)
25 that governs payment of funds and other matters relating to a
26 student's enrollment in an electronic course offered through the
27 state virtual school network. Each school district or

1 open-enrollment charter school participating in the state virtual
2 school network shall use the standard agreement as provided by
3 Subsection (c) unless:

4 (1) the district or school requests from the
5 commissioner permission to modify the standard agreement; and

6 (2) the commissioner authorizes the modification.

7 Sec. 30A.154. FUNDING FOR ACCELERATED STUDENTS. (a) A
8 school district or open-enrollment charter school may apply for
9 additional funding for an accelerated student who is enrolled in
10 more than the course load taken by a student in the equivalent grade
11 level in other school districts or open-enrollment charter schools.

12 (b) The commissioner by rule shall set a limit on the total
13 amount of funding for which an accelerated student is eligible.

14 (c) The legislature in the General Appropriations Act may
15 limit the amount of funding and the number of courses eligible for
16 funding under this section.

17 Sec. 30A.155. FEES. (a) A school district or
18 open-enrollment charter school may charge a fee for enrollment in
19 an electronic course provided through the state virtual school
20 network to a student who resides in this state and:

21 (1) is enrolled in a school district or
22 open-enrollment charter school as a full-time student;

23 (2) is enrolled in a course load greater than that
24 normally taken by students in the equivalent grade level in other
25 school districts or open-enrollment charter schools; and

26 (3) does not qualify for accelerated student funding
27 under Section 30A.154.

1 (b) A school district or open-enrollment charter school
2 shall charge a fee for enrollment in an electronic course provided
3 through the state virtual school network to a student who resides in
4 this state and is not enrolled in a school district or
5 open-enrollment charter school as a full-time student.

6 (c) The amount of a fee charged a student under Subsection
7 (a) or (b) for each electronic course in which the student enrolls
8 through the state virtual school network may not exceed the lesser
9 of:

10 (1) the cost of providing the course; or

11 (2) \$400.

12 (d) Except as provided by Subsection (a) or (b), the state
13 virtual school network may not charge a fee to students for
14 electronic courses provided through the network.

15 SECTION 2. Chapter 26, Education Code, is amended by adding
16 Section 26.0031 to read as follows:

17 Sec. 26.0031. RIGHTS CONCERNING STATE VIRTUAL SCHOOL
18 NETWORK. (a) At the time and in the manner that a school district
19 or open-enrollment charter school informs students and parents
20 about courses that are offered in the district's or school's
21 traditional classroom setting, the district or school shall notify
22 parents and students of the option to enroll in an electronic course
23 offered through the state virtual school network under Chapter 30A.

24 (b) A school district or open-enrollment charter school in
25 which a student is enrolled as a full-time student may not
26 unreasonably deny the request of a parent of a student to enroll the
27 student in an electronic course offered through the state virtual

1 school network under Chapter 30A.

2 (c) For purposes of Subsection (b), a school district or
3 open-enrollment charter school is not considered to have
4 unreasonably denied a request to enroll a student in an electronic
5 course if:

6 (1) the district or school can demonstrate that the
7 course does not meet state standards or standards of the district or
8 school that are of equivalent rigor as the district's or school's
9 standards for the same course provided in a traditional classroom
10 setting;

11 (2) a student attempts to enroll in a course load that:
12 (A) is inconsistent with the student's high
13 school graduation plan; or

14 (B) could reasonably be expected to negatively
15 affect the student's performance on an assessment instrument
16 administered under Section 39.023; or

17 (3) the student requests permission to enroll in an
18 electronic course at a time that is not consistent with the
19 enrollment period established by the school district or
20 open-enrollment charter school providing the course.

21 (d) Notwithstanding Subsection (c)(3), a school district or
22 open-enrollment charter school that provides an electronic course
23 through the state virtual school network under Chapter 30A shall
24 make all reasonable efforts to accommodate the enrollment of a
25 student in the course under special circumstances.

26 (e) A parent may appeal to the commissioner a school
27 district's or open-enrollment charter school's decision to deny a

1 request to enroll a student in an electronic course offered through
2 the state virtual school network. The commissioner's decision
3 under this subsection is final and may not be appealed.

4 SECTION 3. (a) Subject to Subsection (b) of this section,
5 the commissioner of education shall ensure that the state virtual
6 school network under Chapter 30A, Education Code, as added by this
7 Act, begins operations in a manner that allows students to enroll in
8 electronic courses offered through the network beginning with the
9 2008-2009 school year.

10 (b) The state virtual school network under Chapter 30A,
11 Education Code, as added by this Act, shall provide electronic
12 courses as follows:

13 (1) for the 2008-2009 school year, the network shall
14 provide electronic courses for grades 9, 10, 11, and 12 only;

15 (2) for the 2009-2010 school year, the network shall
16 provide electronic courses for the grades identified in Subdivision
17 (1) of this subsection and grades six, seven, and eight only; and

18 (3) for the 2010-2011 and subsequent school years, the
19 network shall provide electronic courses for all grades.

20 SECTION 4. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1788 passed the Senate on May 1, 2007, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 25, 2007, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1788 passed the House, with amendment, on May 23, 2007, by the following vote: Yeas 148, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor